

## DEPARTMENT OF SOCIAL SERVICES

44 P Street, Sacramento, CA 95814



February 16, 1995

ALL-COUNTY LETTER NO. 95-08

TO: ALL COUNTY WELFARE DIRECTORS

## REASON FOR THIS TRANSMITTAL

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | State Law Change                                |
| <input type="checkbox"/>            | Federal Law or Regulation Change                |
| <input checked="" type="checkbox"/> | Court Order or Settlement Agreement             |
| <input type="checkbox"/>            | Clarification Requested by One or More Counties |
| <input type="checkbox"/>            | Initiated by CDSS                               |

SUBJECT: BLANCO v. ANDERSON

REFERENCES: ACL 94-108, DATED DECEMBER 15, 1994  
All County Welfare Directors Letter,  
DATED DECEMBER 21, 1994

The purpose of this letter is to provide County Welfare Departments (CWDs) with instructions for compliance with the Blanco v. Anderson court case. On December 20, 1994, the United States District Court issued a mandate enunciated in Paragraph 8 of the final order (see attached). The cited section requires the California Department of Social Services (CDSS) and the Department of Health Services (DHS) to file with the court and plaintiff's counsel a written report from each county no later than 90 days after entry of judgment. The report must include the following:

- (a) the days and hours of operation for the public;
- (b) county reports of operation pursuant to CDSS's Manual of Policies and Procedures section 63-205;
- (c) the procedures for accepting and processing applications for emergency benefits in the event that the welfare department's offices are closed to the public during the regular eight hours of the working day (including copies of all notices prepared in accordance with Paragraph 5b.(3) of the final judgment).

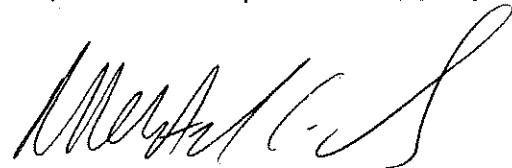
The requirement for the county report of operation mentioned in (b) above has been satisfied by the Annual Needs Assessment and Annual Review previously submitted to CDSS by all counties in compliance with the court's order of December 16, 1993. The final judgment specified this review does not need to be duplicated at this time.

To comply with Paragraph 8, all CWDs must submit a written report no later than March 3, 1995, documenting current days and hours of operation for the public. Counties that do not close during the eight hours of the regular working day are to indicate that in their report. Those counties that do close must provide all procedures for accepting and processing applications for emergency benefits and copies of notices posted in satisfaction of paragraph (c) above. These reports are to be sent to:

California Department of Social Services  
Food Stamp Program Bureau  
744 P Street, M.S. 14-52  
Sacramento, CA 95814

Attn: David Badal  
FAX# (916) 657-1806

If you have any questions, please contact David Badal (CDSS Food Stamps), at (916) 654-1405, Vincent Toolan (CDSS AFDC) at (916) 654-1808, or Alice Mak (DHS Medi-Cal) at (916) 654-0573.



MICHAEL C. GENEST  
Deputy Director  
Welfare Programs Division



FRANK S. MARTUCCI  
Chief  
Medi-Cal Eligibility Branch

Attachment

FILED

DEC 20 1994

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CINDY BLANCO, MELISSA GOETZ and KAREN  
WILSON, Individually and on Behalf of  
a Class of Similarly Situated  
Persons,

Plaintiffs,

v.

ELOISE ANDERSON, in her official  
capacity as DIRECTOR, CALIFORNIA  
DEPARTMENT OF SOCIAL SERVICES and  
MOLLY JOEL COYE, M.D., M.P.H., in her  
official capacity as DIRECTOR,  
CALIFORNIA DEPARTMENT OF HEALTH  
SERVICES,

Defendants.)

No. CIV-S-93-859 WBS JFM

(PROPOSED) JUDGMENT

DATE: Dec. 19, 1994

TIME: 1:30 p.m.

COURTROOM: 2

In accordance with the opinion of the Ninth Circuit  
Court of Appeal in this case, filed on November 2, 1994, the  
mandate having been issued pursuant to Federal Rules of Appellate  
Procedure, Rule 41, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS  
FOLLOWS:

1           1.    The class consists of:

2                   All present or future applicants  
3                   for or recipients of food stamps,  
4                   AFDC and/or Medi-Cal benefits in  
5                   California who have been or will be  
6                   denied the opportunity to apply  
7                   for, receive within statutory and  
8                   regulatory timelines, or continue  
                  to receive public assistance  
                  benefits as a result of the county  
                  welfare agencies being closed to  
                  the public on Mondays, Tuesdays,  
                  Wednesdays, Thursdays, and/or  
                  Fridays, excluding holidays.

9   (Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, excluding  
10 federal and state holidays, are hereinafter referred to as  
11 "working days".)

12           2.    Judgment is hereby granted on the first and second  
13 claims in the first amended complaint in favor of the plaintiff  
14 class and against defendant Eloise Anderson, the duly appointed  
15 Director of the California Department of Social Services. As to  
16 the third claim in the first amended complaint, judgment is  
17 granted in favor of the plaintiff class and against defendant S.  
18 Kimberly Belshe, the duly appointed Director of the California  
19 Department of Health Services. The remaining claims in the first  
20 amended complaint are dismissed.

21           3.    Defendant Anderson has violated the requirements  
22 of 7 C.F.R. section 272.4(g) by failing to conduct at least once  
23 annually a review of the hours of operations of the counties'  
24 food stamp offices to ensure that the needs of recipients who  
25 work are adequately met and by failing to retain the results at  
26 the State level for review by the United States Department of  
27 Agriculture, Food and Nutrition Service (hereinafter "FNS").

1           4. By permitting the closure of the offices of the  
2 counties' departments of social services (hereinafter "welfare  
3 departments") to the public during the regular eight hours of the  
4 working day, defendants have violated the rights of class  
5 members:

6           a. to apply for food stamps, Aid to Families  
7 with Dependent Children ("AFDC") and Medi-Cal benefits (7  
8 U.S.C. § 2020(e)(2); 7 C.F.R. § 273.2(c) and (j); 42 U.S.C. §  
9 602(a)(10)(A); 45 C.F.R. § 206.10(a)(1); 42 U.S.C. § 1396a(a)(8);  
10 42 C.F.R. § 435.906);

11           b. to receive food stamps and AFDC benefits  
12 retroactive to the date of application and Medi-Cal benefits  
13 retroactive to three months before the month of application  
14 (7 U.S.C. § 2020(e)(3); 42 U.S.C. § 602(a)(10)(B); 45 C.F.R.  
15 § 206.10(a)(3)(i); 42 U.S.C. § 1396a(a)(34); 42 C.F.R. §  
16 435.914; and

17           c. to receive benefits, especially food stamps  
18 expedited service, AFDC immediate need, homeless assistance and  
19 emergency Medi-Cal benefits (hereinafter referred to as  
20 "emergency benefits"), under all three programs promptly and  
21 without any delay attributable to the administrative process  
22 (7 U.S.C. § 2020(e)(9); 7 C.F.R. § 273.2(i); 42 U.S.C.  
23 § 602(a)(10)(A); 45 C.F.R. § 206.10(a)(3) and (5)(i); 42 U.S.C. §  
24 1396a(a)(8); 42 C.F.R. § 435.930).

25           5. Defendants Anderson, Belshe, their respective  
26 successors in office, agents, employees, the county welfare  
27 departments, and all other persons acting in concert therewith

1 are immediately and permanently enjoined as follows:

2 a. No county welfare department shall close its  
3 offices to the public during the regular eight hours of the  
4 working day until a review of the hours of operation of the food  
5 stamp offices has been conducted pursuant to 7 C.F.R. § 272.4(g)  
6 and the results of that review have been made available to FNS.  
7 By this judgment, county welfare departments are not required to  
8 duplicate reviews performed earlier in 1994, in compliance with  
9 this Court's Order of December 16, 1993;

10 b. When a county welfare department's offices  
11 are otherwise closed to the public at any time during the regular  
12 eight hours of a working day. Members of the plaintiff class  
13 shall nevertheless be allowed to apply for and/or receive  
14 emergency benefits from the food stamps, AFDC and Medi-Cal  
15 programs within the time limits prescribed by federal and state  
16 law:

17 (1) The county welfare department shall  
18 either maintain sufficient staff in the offices to accept and act  
19 upon<sup>1/</sup>all such requests for emergency benefits, or shall maintain  
20 a local telephone service with sufficient staff to accept and act  
21 upon all such requests for emergency benefits as though such  
22 requests were made in person at the welfare department's offices;

23 (2) The county welfare departments shall  
24 make applications for food stamps, AFDC and/or Medi-Cal benefits  
25 readily available to members of plaintiffs' class, shall provide

26  
27 1. Acting upon a request for emergency benefits includes  
providing such emergency benefits within the time limits  
prescribed by federal and state law where appropriate.

1 them with a drop box, mail slot or other reasonable means of  
2 filing these applications for benefits, and shall deem these  
3 applications to have been filed on that day. In the event  
4 members of plaintiff's class certify that they were denied the  
5 opportunity<sup>2/</sup> to file such an application for benefits and the  
6 county welfare department does not have evidence to the contrary,  
7 these applications shall be processed in all respects as though  
8 filed on the prior working day;

9 (3) Notices shall be posted in prominent  
10 locations within the county welfare department's offices and in  
11 the public areas, including the doors, immediately outside the  
12 county welfare department's offices informing members of  
13 plaintiff class and all others of the hours or days during  
14 working days when the office will be closed, the procedure for  
15 receiving and filing applications for food stamps, AFDC or Medi-  
16 Cal and the procedures for applying and receiving emergency  
17 benefits, unless the county maintains sufficient staff in the  
18 office to provide this information in person; and

19 (4) Incoming telephone calls on the mainline  
20 to the county welfare department's offices shall be greeted with  
21 an announcement informing the caller of the hours or days during  
22 working days when the office will be closed, the procedure for  
23 receiving and filing applications for food stamps, AFDC or Medi-  
24 Cal and the procedures for applying and receiving emergency  
25 benefits.

26  
27 2. The opportunity to file an application includes the  
provision of special assistance under 7 CFR section 273.2(e) &  
(f) and DSS Manual of Policies and Procedures section 40-157.213.

1           6. Defendants are ordered to transmit a copy of this  
2 judgment to the county welfare departments in every county of  
3 California no later than the close of business on the first  
4 working day after entry of this judgment.

5           7. In the event that defendants intend to adopt any  
6 regulations to implement the terms of this judgment, defendants  
7 shall serve a copy of these proposed regulations on plaintiffs'  
8 counsel no later than 30 days before the regulations are filed  
9 with the Office of Administrative Law. Plaintiffs shall  
10 thereafter have no more than 20 days to file any objections to  
11 these regulations with DSS and DHS. If the parties are unable to  
12 resolve the objections within 10 working days, plaintiffs may  
13 file a motion with the Court no later 10 working days thereafter.  
14 If plaintiffs file such a motion, defendants shall not implement  
15 the contested regulations until the objections are resolved  
16 between the parties or the Court has ruled upon the matter.

17           8. No later than 90 days after entry of judgment,  
18 defendants shall file with the Court and serve upon plaintiffs'  
19 counsel a written report from the county welfare department  
20 describing for each county's welfare department: (a) the days and  
21 hours of operation for the public; (b) county reports of  
22 operation prepare pursuant to DSS's Manual of Policies and  
23 Procedures section 63-205; and (c) the procedures for accepting  
24 and processing applications for emergency benefits in the event  
25 that the welfare department's offices are closed to the public  
26 during the regular eight hours of the working day (including  
27 copies of all notices prepared in accordance with paragraph



1 5b.(3) above.

2 9. Plaintiffs shall recover from defendants their  
3 costs of suit and reasonable attorneys' fees. The time limit for  
4 plaintiffs to file their motion for attorneys' fees shall be  
5 extended until february 13, 1995, so as to allow the parties  
6 sufficient time to attempt to negotiate a compromise on the issue  
7 of fees.

8 9. The Court shall retain jurisdiction to enforce the  
9 terms of this judgment.

10 DATED: December 20, 1994

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12   
13 WILLIAM B. SHUBB  
14 United States District Judge  
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